

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GARY T. WINNETT, et. al., Plaintiffs, v. CATERPILLAR INC., Defendant/Third-Party Plaintiff, v. INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA and its LOCAL UNION NOS. 145, 751, 786, 974, 1086, 1415 and 2096, Third-Party Defendants/Counterclaim Plaintiffs. v. CATERPILLAR INC., Counterclaim Defendant.	Case No. 3:06-CV-00235 Hon. Aleta A. Trauger Mag. Judge Joe B. Brown
JUDITH K. KERNS, et. al., Plaintiffs, v. CATERPILLAR INC., Defendant/Third-Party Plaintiff, v. INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA and its LOCAL UNION NOS. 145, 751, 786, 974, 1086, 1415 and 2096, Third-Party Defendants/Counterclaim Plaintiffs. v. CATERPILLAR INC., Counterclaim Defendant.	Case No. 3:06-CV-1113 Hon. Aleta A. Trauger Mag. Judge Joe B. Brown

**UAW'S UNCONTESTED MOTION FOR 21 DAY EXTENSION OF TIME TO
RESPOND TO CATERPILLAR'S MOTION FOR FINAL JUDGMENT**

Third-party defendants and counterclaimants International Union, United Automobile, Aerospace and Agricultural Implement Workers of America and its Local Union No. 1086 (hereinafter, collectively the “UAW”) respectfully file this motion for a 21-day extension of time until June 2, 2011 to respond to the motion for certification of final judgment filed by Caterpillar, Inc. (hereinafter “Caterpillar”). The grounds for this motion are as follows:

1. On April 25, 2011, Caterpillar moved for certification of final judgment with regard to its third-party claims in both the *Kerns* and *Winnett* litigation.
2. Responses to Caterpillar’s motion are presently due to be filed May 12, 2011.
3. Counsel for the UAW who are in a position to draft the oppositions to Caterpillar’s motions have commitments in other matters that make it very difficult for them to meet this deadline. Matthew Clash-Drexler was in arbitration this week, and has a post-arbitration brief due May 10, 2011 and a separate arbitration on May 16. In addition, Joshua Shiffrin has post-hearing briefing following a two-week arbitration that is due on May 26, 2011.

4. Counsel for the UAW is therefore respectfully requesting a 21-day extension of time, to June 2, 2011, to respond to Caterpillar’s motions for certification of final judgment.

5. Counsel for the UAW has conferred with counsel for Caterpillar, and Caterpillar has no position with respect to this motion.

For those reasons, the UAW’s motion for an extension of time until June 2, 2011 to respond to Caterpillar’s motions for summary judgment should be granted.

Dated: May 5, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 5rd day of May, 2011 a copy of the foregoing document, and any attachments, was served electronically to the following Filing Users via the Court's Electronic Filing System. Counsel is unaware of a duty to serve any party by alternative means.

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